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NOTES OF CASES.

LOTTERIES—GIFT ENTERPRISES—TRADING STAMPS.—A concern which sells trading stamps to merchants to be given to customers as an inducement to secure their trade, and which redeems the stamps with articles kept in stock for that purpose, is held in *Winston v. Beeson* (N. C.), 65 L. R. A. 167, not to conduct a gift enterprise within the meaning of a statute authorizing municipal corporations to impose taxes on such enterprises in the same manner as upon lotteries. In *Young v. Com.*, 101 Va. 853, it was held that the element of chance or lottery was entirely wanting in the use of "trading stamps," as the articles to be received were fixed and certain, and kept constantly on exhibition for inspection by persons proposing to take the "trading stamps"—citing *State v. Dalton*, 46 Alt. 234, 48 L. R. A. 775, 84 Am. St. Rep. 818.

LIBEL—ASSESSING DAMAGES.—That two persons had been engaged in the publication of a series of libelous articles against each other is held in *Patton v. Bruce* (Ark.), 65 L. R. A. 937, to be properly taken into consideration in assessing the damages in a suit by one, based on the publications of the other.

Compare *Chaffin v. Lynch*, 83 Va. 106, where it is said that one insult cannot be set off against another; yet if a man attacks another in a newspaper, he may reply; and that if his reply is not unnecessarily defamatory of his assailant, and is honestly made in self-defence, it will be privileged.

TELEGRAPH COMPANIES—LIABILITY FOR TRANSMITTING FRAUDULENT OR FORGED MESSAGES.—In the absence of negligence on its part, a telegraph company is held, in *Western U. Teleg. Co. v. Uvald Nat. Bank* (Tex.), 65 L. R. A. 805, not to be liable, because of the delivery of a fraudulent telegram sent by one who tapped the company's wires, to make good the loss resulting from the sendee's reliance upon the faith of its authenticity. The question of the liability of a telegraph company for transmission or delivery of a forged message is considered in a note to this case.

CONSTITUTIONAL LAW—TAXATION—EXEMPTION FROM—EDUCATIONAL INSTITUTIONS—*Cf. Sec. 183, Cons. 1902.*—An institution for the teaching of physical culture is held in *German Gymnastic Asso. v. Louisville* (Ky.) L. R. A. 65 120, to be within a constitutional provision exempting from taxation institutions of education. Sec. 183, Cons. 1902, exempts from taxation "buildings with the land they actually occupy and the furniture, furnishings, books, and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning," provided they are not conducted for profit of any person or persons, natural or corporate.